## FARMINGTON CITY PLANNING COMMISSION

Thursday, May 22, 2003

## PLANNING COMMISSION STUDY SESSION

**Present:** Chairman Kent Forsgren, Bart Hill, Cindy Roybal, Cory Ritz, Jim Talbot, Jordan White, Sid Young, City Planner David Petersen, and Deputy City Recorder Jeane Chipman

**Vice-Chairman Young** began the meeting at 6:15 P.M. Chairman Forsgren arrived at 6:20 P.M.

**Mr. Petersen** reviewed the Blakewood Development application that would be coming before the Planning Commission during the regular session. Mr. Petersen stated the study session had been publicly announced to interested property owners. The Development Plan Comparison Table was reviewed. The current plan had been revised and was now similar to the original plan. An effort had been made to respond to previous comments made by the Planning Commission and concerned citizens. Mr. Petersen stated there was a creek which ran through the property which had water in it most of the year. The developer would need to address how that would be handled.

Condition #6 pertained to the waterway flowing under the railroad tracks. As Mr. Petersen had considered the condition, it seemed to him that the drainage to the east was not the concern of the property owner of the Blakewood Development. And as other subdivisions were constructed, the drainage would be likely be altered anyway.

Condition #9 was important. The flood plane issue would need to be resolved before final plat approval could be granted.

Mr. Petersen reviewed principles of the yield plan as it related to the entire development for the Commission members. He stated the major change in the new plan was the open space and trail improvements, the fact that all homes would be stick built, and the addition of the developer-furnished landscaping before owner occupancy.

**Blake Matthews** addressed the Commission members. He stated he had contacted concerned residents of nearby properties. Their specific concern was that large lots be placed next to horse property in order to curtail the threat to horse property owners. The developer had reconfigured the lot design to be more sensitive to the concerns of the adjacent property owners. He felt the subdivision would increase property values of the area and would be an improvement to current conditions. Mr. Matthews addressed the FEMA flood plane issues. According to his understanding, two culverts in the area were undersized. If they were upsized to handle 100-year storms, the entire neighborhood would benefit. The flood plane designation would likely be eliminated.

Candland Olsen said it was the culverts on the Bangeter property to the west that would

not handle the 100-year storm amounts.

**Jim Talbot** suggested the developer design the plan to increase two more lots to the  $\frac{1}{2}$  acre size. Doing so would not be difficult but it would have great meaning to the existing property owners in the area.

[Bart Hill was excused at 6:50 P.M.]

#### PLANNING COMMISSION REGULAR SESSION

**Present:** Chairman Kent Forsgren, Bart Hill, Cindy Roybal, Cory Ritz, Jim Talbot, Jordan White, Sid Young, City Planner David Petersen, and Deputy City Recorder Jeane Chipman

**Chairman Forsgren** called the meeting to order at 7:00 P.M. **Cory Ritz** offered the invocation.

#### APPROVAL OF MINUTES

**Cory Ritz** moved that the minutes of the May 8, 2003, Planning Commission Meeting be approved with corrections as noted. **Cindy Roybal** seconded the motion. The Commission voted unanimously in favor.

PUBLIC HEARING: BLAKEWOOD DEVELOPMENT REQUEST FOR
RECOMMENDATION TO AMEND THE FARMINGTON CREEK ESTATES PHASE II
PLANNED UNIT DEVELOPMENT MASTER PLAN LOCATED SOUTHEAST OF
COUNTRY LANE, NORTH OF GLOVERS LANE, AND WEST OF THE OLD DRGW
RR TRACKS IN AN AE ZONE (PUD) ZONE (S-8-98) (Agenda Item #2)

### **Background Information**

The Farmington City Planning Commission voted on May 8, 2003, to recommend denial of this application. After the agenda item, Mr. Matthews (the applicant) met for some time with a number of nearby property owners to discuss ways to modify his proposed plans to better meet the desires of the public. Enclosed for Planning Commission review is a new table which shows characteristics of the existing development plan, his first development plan and his second proposed development plan (which second plan incorporates comments from nearby property owners). The total number of lots decreased from 61 to 57. The open space amount also decreased from 5.75 acres to 5.5 acres. However, the open space set aside still exceeds the minimum requirement of 15% in order for the application to be considered for a bonus. Finally, the number of lots over one-half acre increased from 3 to 13 and 2 lots are barely under the one-half acre amount and could be adjusted to equal the half acre size if so desired by the Planning Commission which could bring the total number of half acre lots to 15. The developer has also made a conscious effort to position the half acre lots adjacent to larger lot development north of Phase III.

Enclosed for Planning Commission review and comparison is the May 8, 2003, Planning Commission staff report. This report contains existing final development and the proposed final development plan and Section 11-27-111 of the Zoning Ordinance as well as proposed building elevations.

#### END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. The developer had applied for approval of the application two weeks previously. The Planning Commission denied the application because the design did not meet requirements of the original development agreement. Since then, the developer met with residents and redesigned the project. He had come back with the redesign for consideration by the Planning Commission. Mr. Petersen stated that a study session had been conducted previous to the regular session in which issues had been discussed and to which the public had been invited. He reviewed the Comparison Table for members of the audience who had not be able to attend the study session. The developer had concurred with suggestions during the study session to increase ½ acre lots from 13 to 15. Mr. Petersen also stated that condition #9 as stated in the packet regarding the flood plane issues should be upheld, and that it may be a good idea to have the City initiate a meeting between the City Engineer, the developer's engineer, and the Davis County Engineer to see what needs to be done to eliminate the flood plane designation. Mr. Petersen also suggested eliminating the last sentence of Condition #6 as stated in the packet.

## **Public Hearing**

**Chairman Forsgren** opened the meeting to a public hearing.

**Page Walton** (member of Farmington Trails Committee) asked if the planned trail easement on the east side of the development was still in place.

**Mr. Petersen** affirmed that the trail easement was in the site plan.

**Glen Hughes** (resident in Phase II) had several questions. He asked why the current development was named Phase II. (Mr. Petersen responded that the current project could likely be renamed Phase III.) Mr. Hughes was concerned about the flood plane designation and stated that he and his neighbors were currently paying very high flood insurance premiums.

**Mr. Petersen** said the condition requiring the elimination of the flood plane designation prior to final approval still stood. He explained what had been discussed during the study session.

**Lori Thomson** (500 South 950 West) liked the new plan. She asked if covenants for the subdivision included information for new buyers that they were buying property adjacent to horse property and that the horse property was being protected. She also asked if the trail in the plans was being constructed for equestrian use.

- **Mr. Petersen** stated the trail was not being paved so it could be used by equestrians.
- Mr. Matthews stated his intent to market the ½ acre lots as horse property. It would be disclosed to the rest of the subdivision lot owners that they would be living next to horse property. He also described the park improvements being planned.

**Jonathan Hughes** (nearby property owner) asked about the long range plans for the D&RG railroad tracks.

**Mr. Petersen** stated UTA had purchased the tracks but that no immediate plans were being made. It may take a few years for UTA to decide exactly what they want to do with the property. They purchased the land to protect the corridor but were waiting to see what future needs would dictate.

## **Public Hearing Closed**

With no further comments, **Chairman Forsgren** closed the public hearing and asked for consideration by the Planning Commission.

- **Mr. Talbot** wanted the developer to stick with the original fifteen ½-acre lots as originally agreed.
- **Mr. Young** stated condition #9 pertaining to the flood plane designation was key to granting approval. It may take several months to obtain the approval.
- **Mr. Petersen** stated previous property owners had already started the process, so it may not take as long as usual.

### **Motion**

**Cory Ritz** moved that the Planning Commission recommend that the City Council amend the Farmington Creek Estates, Phase II (the title may need clarification), Planned Unit Development Master Plan (or Development Plan) subject to all applicable Farmington City development standards and ordinances and the following conditions:

- 1. The applicant shall enter into a Development Agreement with Farmington City amending a previous agreement with the City dated September 15, 1999, and a subsequent amendment thereto dated July 19, 2000. Upon execution of the amended Development Agreement, developer shall comply with all the provisions thereof.
- 2. The applicant must show, if necessary, how he will relocate the ditch running through lots 302, 303, 332, 333.

- 3. Phase 3 and 4 shall all be comprised of stick built homes.
- 4. Front yard landscaping shall be implemented in all homes prior to occupancy.
- 5. Review and approval of improvement drawings by the City Engineer, Public Works Department, Weber Basin Conservancy District, and Fire Department.
- 6. The developer shall prepare a grading and drainage plan for approval by the City. The plan shall show, among other things, that the proposed lots will drain in a reasonable manner.
- 7. Final development plans for the subdivision shall include 7-foot street dedications along 1100 West Street and Glover's Lane.
- 8. The water line extended to phase III must loop back over to 650 West as part of th improvement drawing package for the development.
- 9. In keeping with the provisions of the existing Development Agreement, the third and fourth phases of the project shall not be considered for final approval until the developer has obtained a conditional letter of map revision (CLOMR) or letter of map revision (LOMR) from the Federal Emergency Management Agency (FEMA) removing the "Zone A no base flood elevation determined" designation from the FEMA flood insurance rate map (FIRM Community Panel #4900440002D, February 16, 1996) for the entire project and for the Farmington Creek Estates, Phase I, Subdivision. The Planning Commission strongly encouraged Farmington City to initiate a meeting between the City's engineer, the Davis County Engineer and the developer's engineer to expedite elimination of flood plane designation.
- 10. Lots 320 and 321 shall be increased to  $\frac{1}{2}$  acre in size.

**Jim Talbot** seconded the motion, which passed by unanimous vote.

## **Findings**

- The developer had worked hard to observe the wishes of nearby residents and to comply with requirements of the Planning Commission.
- The current plan parallels the original development agreement.
- The design complies with all City ordinances and standards and with the General Plan.

# PUBLIC HEARING: BILL PETERSON REQUEST CONDITIONAL USE AND SITE

# PLAN APPROVAL TO REMOVE AN EXISTING BILLBOARD AND CONSTRUCT 2 NEW BILLBOARD SIGNS AT THE SOUTHWEST CORNER OF GLOVERS LANE AND THE FRONTAGE ROAD IN A C ZONE (C-6-03)

## **Background Information**

Despite the General Plan designation referenced above, the subject property is zoned commercial. City staff are presently researching why the subject property was rezoned commercial and as this information becomes available it will be reported at the Planning Commission meeting.

Section 15-5-030 of the Farmington City Sign Ordinance outlines the following provisions which shall apply to billboards in commercial zones:

Billboards shall comply with the height standards established above for ground signs. The maximum height of a ground sign at the minimum setback shall be 20' above the elevation of the top of curb nearest to the sign. This height may be increased to a maximum of 40' if the sign is setback an additional 1 ½ feet for each foot of height over 20 feet. These standards may be reviewed by the Planning Commission in conjunction with the conditional use application and may be adjusted either up or down.

The information received from the applicant does not show the setback from the right-of way nor does it indicate the overall proposed height of the sign.

Billboard shall not exceed 300 square feet in total area unless an increase is specifically approved by the Planning Commission in conjunction with a conditional use application.

The sign area of the proposed billboards are 672 square feet each.

In those zones in which they are allowed, billboards shall only be permitted within 200 feet of the right-of-way lines of U.S. Highway I-15 and 89.

Section 11-8-105 titled "Conditional Use Standards" provides a list of criteria whereby the Planning Commission reviews all conditional use applications. Paragraph 3 of this section states: "The proposed use shall conform to goals, policies and governing principles of the comprehensive plan for Farmington City." It is clear that the future land use map (or General Plan) designation of the subject property is not consistent with the zoning designation, but the property is zoned what it is. The General Plan text makes only one reference to signs and that is in paragraph 11 on page 4-7 "Improve the appearance and function of business signs by eliminating non-conforming signs or encouraging the redesign of existing signs to bring them into conformity with the current sign ordinance." Notwithstanding this, there are several references made in the General Plan regarding the general environment and atmosphere of the community. On page 4-2 of the plan, five general goals are outlined. The first of which states:

"The Farmington City general Plan is based on the overall goal of creating within the community a healthy, attractive and pleasant living environment for its residents. This goal is the most significant element underlying the General Plan." Do billboards present or create a "healthy, attractive and pleasant living environment" for Farmington residents?

The second general goal states: "Maintain Farmington as a community with a rural atmosphere preserving its historic heritage and the beauty of the surrounding countryside." Do billboards "enhance or maintain the beauty of the surrounding countryside"?

Approximately a 4.6 mile length of I-15 is located in Farmington City. There are five billboards located in this stretch of freeway. The 4.6 mile segment north of Farmington contains 15 billboards (all in southern Layton and north Kaysville). Meanwhile the 4.6 mile segment of I-15 south of Farmington also contains 15 billboards (mostly in West Bountiful and Bountiful). There is a dearth of billboards in the central part of the County compound to the north and south. This absence of freeway signage adds to the beauty of the area.

In addition to the foregoing, the Planning Commission should consider the purpose and intent of the Farmington City Sign Ordinance. Does the applicant's proposal meet the purpose and intent of this ordinance?

#### END OF PACKET MATERIAL.

**Mr. Petersen** reviewed the background information. He wondered why the property had been zoned commercial and reported that Staff was researching past minutes to learn reasoning and intent of the zoning designation. Bill Petersen, the property owner, planned to remove the existing billboard and construct two larger billboards on the property. David Petersen reviewed ordinance requirements pertaining to "ground signs," the ordinances covering billboards. The existing sign on the property is 500 square feet in area. Bill Petersen wished to have the two new billboards as high as possible and to place them as close to I-15 as he could for maximum exposure. David Petersen suggested the Planning Commission consider tabling the agenda item to allow time for further study.

## **Public Hearing**

**Chairman Forsgren** opened the meeting to a public hearing and invited the applicant to address the Commission.

**Bill Petersen** stated it was his understanding that he had to get permission from the local entity before approaching UDOT requesting permission to erect the signs. He would comply with all restrictions imposed by UDOT. He was not sure why the land had been zoned commercial, but he thought he had purchased the land already zoned that way.

**Jonathan Hughes** (property owner of nearby property) stated he did not object to the billboards as long as they met with all ordinance requirements. He discussed the zoning of the property and said he remembered when it was changed to commercial. The reasoning, to his

recollection, was that there was no other reasonable zone for the location. It could not be used as residential or agriculture. It was near an overpass and was so close to the freeway that the commercial zone seemed to make sense.

**Steve Gary** (property owner in nearby subdivision) stated that he was opposed to the construction of the signs. He asked if night lighting would be permitted and stated that the lights were an annoyance to his family. Not even the sound wall would protect his home or the homes of his neighbors from the impact.

Charles Clark (368 West State) said he was opposed to the two big signs. They seemed to be out of character to the nature of Farmington City. If the request was for a permitted use, the Commission would have to approve it. However if the applicant had to a gain a conditional use permit, Mr. Clark suggested the Planning Commission deny the request. Mr. Clark felt that most citizens in Farmington would oppose the erection of two large signs. Some cities have outlawed these types of signs completely unless the business was located on the property. Existing signs could be grandfathered in.

**David Petersen** reported he had received a call during the day from Mark Adams who was unable to attend the meeting. Mr. Adams was opposed to the billboard application.

## **Public Hearing Closed**

With no further comments, **Chairman Forsgren** closed the public hearing. The Commission members discussed the issues, including the following points:

- The current sign ordinance had been approved in 1991.
- The Planning Commission was responsible for the decision. It would not move on to the City Council unless an appeal was filed.
- The commercial zone of the property had been requested by the property owner, whoever that was at the time.
- The signs as requested by the applicant would have to receive conditional use permit because the size and height was outside permitted use restrictions.
- Mr. Petersen reminded Planning Commissioners that there were other possible uses for the property in question that were within permitted use and conditional use parameters.
- The Utah Department of Transportation would have to give permission for the signs to be erected.
- If the request had met all ordinance requirements, it would only need to go before the City Planner/Zoning and UDOT.

- By consensus, the Planning Commission felt a need to receive more information from UDOT regarding their requirements.
- Some Commission members felt the request did not comply with #1 and #3 of the Conditional Use Standards. They also felt the large signs would not add to the rural nature of the City.
- Neither Kaysville nor Centerville had many billboards.
- The seemed there would be a negative impact on surround subdivisions.
- It may be wise to address the sign ordinance in a general sense because of the likelihood that other applications would come as Farmington developed.

#### **Motion**

**Jim Talbot** moved that the Planning Commission table this agenda item for the following reasons:

- 1. Further investigate the background of why the parcel was rezoned commercial.
- 2. Receive more information from the applicant regarding height and setback standards, including the height of the northern billboard in relation to the Glover Lane viaduct;
- 3. Find out the State requirement for billboards and whether or not the proposal is consistent with those requirements.

The motion was seconded by **Cory Ritz**. In discussion of the motion, Mr. Talbot felt there was a need to have more information, especially regarding requirements by UDOT. He said the Planning Commission would need to be careful because the rights of property owners needed to be protected. However, if the applicant wanted to comply with the spirit of the ordinance, it would be wise of him to keep the height of the billboards to an effective minimum and not try to make them as high as absolutely possible.

The motion passed by unanimous vote.

PUBLIC HEARING: CHARLES AND SALLY CLARK REQUEST FOR CONDITIONAL USE APPROVAL TO EXCEED THE 15 FOOT HEIGHT LIMIT SET FOR ACCESSORY BUILDINGS BY CONSTRUCTING A GARAGE APPROXIMATELY 18 FEET IN HEIGHT LOCATED AT 368 WEST STATE STREET IN AN LR ZONE (C-7-03) (Agenda Item #4

## **Background Information**

The applicants are proposing to construct an accessory building which appears to be compatible with other buildings in the neighborhood. (However, the materials proposed for the garage/shop are not identified on the exterior elevations included in this packet.)

The applicant could come into compliance and meet the 15-foot height standard contained in the ordinance if one continuous roof were provided as identified on Elevation A. But the applicant wishes to construct Elevation B which shows a break in the roof line. Hence, the request for conditional use approval to exceed the 15-foot height limit.

#### END OF PACKET MATERIAL.

**Mr. Petersen** briefly reviewed the background information. He asked what kind of material the applicant planned to use for the exterior of the garage.

## **Public Hearing**

**Chairman Forsgren** opened the meeting to a public hearing and invited the applicant to address the Commission.

**Charles Clark** (applicant) stated the garage would match the house. There would be a rock wainscot with stucco above that. He described the use of the building and said there would be storage over the garage.

[Bart Hill arrived at 8:10 P.M.)

## **Public Hearing Closed**

With no further comments, **Chairman Forsgren** closed the public hearing. The Commission members discussed the issues, including the following points:

- Commission members liked the looks of elevation B as submitted by the applicant. It seemed to match the surrounding neighborhood.
- The application was very similar to one from a nearby neighbor previously approved by the Planning Commission.
- The set back was ample so that no neighbors would be negatively impacted.

## Motion

**Cory Ritz** moved that the Planning Commission grant conditional use approval as requested by Charles and Sally Clark to exceed the 15 foot height limit set for accessory buildings by constructing a garage approximately 18 feet in height located at 368 West State Street. **Jim Talbot** seconded the motion, which passed by unanimous vote.

## **Findings**

- The request was consistent with the feel of the surrounding neighborhood.
- A precedent had been set for the approval by a previous application of a nearby neighbor.
- The intent of the ordinance was to protect nearby neighbors from negative impacts. There are no nearby neighbors to the structure, therefore no negative impacts would result.

PUBLIC HEARING: HARV JEPPSEN REQUEST TO CONSIDER A CHANGE TO THE TEXT OF THE CURRENT ZONING ORDINANCE TO ALLOW A BED AND BREAKFAST/INN AS A CONDITIONAL USE IN RESIDENTIAL AREAS (Agenda Item #5)

## **Background Information**

Over the years Farmington, located between the Wasatch National Forest and the Great Salt Lake and the center of Davis County, has become a tourist destination for thousands. The State's largest and really only amusement park is located in the City. Other attractions include the County Fairgrounds, Farmington Canyon, the bird refuge, and Farmington Pond (the State's most visited and fished "urban Lake"). A railroad park has also recently been constructed in Farmington. Moreover, the City has recently taken steps to preserve downtown by enacting an ordinance uniquely fitted to the original townsite. The City also has an active Trails Committee and has established several miles of trails and/or has several miles of trails that are in the planning process. The State of Utah is also planning to construct a multi-million dollar visitor center by Farmington Bay.

Mr. Jeppsen previously presented his lodging concept to the Planning Commission a few meetings ago. He is attempting to fill an untapped lodging niche missing in the local tourism market.

Tourism done right is a good industry for any City. It brings outside dollars directly into the community. Lodging taxes can be beneficial and often retail sales increase. Tourism is a clean industry, and environmental impacts can be minimal.

The early stages of tourism development in such destinations a Pigeon Forge/Gatlinburg in Tennessee are characterized by tacky mom and pop miniature golf course, motel, dining, and recreation uses. These are often decorated by homespun type signs and large plastic dinosaurs. Eventually, as an area begins to experience more success and property owners increase their capital, these uses give way to more upscale establishments, which over time become even more upscale again.

If Mr. Jeppsen's lodging facility can become successful, even though the location is not adjacent to one of Farmington's larger attractions, this could be indicative of the future tourism potential in our community. Tourism provides a great tax base.

Mr. Jeppsen provided a copy of the Salt Lake City ordinance which allows for bed and breakfast uses in residential neighborhoods., However, it appears that there B & D facilities are all contained within one building.

Mr. Jeppsen is presenting a multiple building concept. Notwithstanding this, the Planning Commission may wish to pursue the applicant's proposal for the reasons stated above.

#### END OF PACKET MATERIAL.

Mr. Petersen said the applicant was unable to attend.

## **Public Hearing**

**Chairman Forsgren** opened the meeting to a public hearing and asked if there was anyone present who wished to address the Commission regarding the agenda item.

#### Motion

**Jordan White** moved that the Planning Commission continue the public hearing to the next Planning Commission meeting. **Sid Young** seconded the motion, which passed by unanimous vote.

## BANGERTER ACCESSORY DWELLING REQUEST/DISCUSSION ITEM

**Mr. Petersen** stated that Steven and Betty Bangerter had requested the City consider amending Chapter 10 of the Zoning Ordinance to allow accessory dwellings in agricultural zones. They wish to construct a detached garage and would like to add an apartment above the garage as additional and independent living space for relatives.

The Planning Commission discussed the issues, including the following points:

- Mr. Bangerter showed the Planning Commission the plans for the accessory building. It would be a small structure with a barn-style roof. The plans had been initiated prior to annexation to the City. Mr. Bangerter did not intend that the dwelling would be a rental property.
- By consensus, the Planning Commission felt it would be fair to allow the accessory dwelling provision in the west side of the City because it was allowed on the east side.
- Accessory dwelling units may be more acceptable on the west side of the City

because the lots were larger.

- There was some opposition to the possibility of having the dwelling used as eventual rental property.
- Mr. Bangerter was told that the Planning Commission saw no immediate reason to deny the application but that the comment was not binding and that the Planning Commission is a recommendation body only. The City Council would have the final decision

## CITY COUNCIL REPORT AND MISCELLANEOUS

**Mr. Petersen** reported the City Council meeting held May 21, 2003, as follows:

- The Davis County Mosquito Abatement District is focusing on issues related to the possible incursion of the West Nile Virus into Utah. The work will be done in coordination with the yearly abatement work.
- The City Council approved an ordinance amending the Trail Master Plan and associated map as an element of the Farmington City General Plan.
- The City Council approved an application for a special truck route permit to construct public improvements in Farmington Ranches Phase IV Subdivision.
- The City Council adopted a resolution of intent to adjust the common boundary line existing between Farmington City and Centerville City near the proposed Tuscany Cove subdivision.
- The City Council considered amendments to the agreement with Oakridge Country Club related to the Special Improvement District now under consideration by the City.
- The City Council approved the property line adjustment agreement with Craig C. Holmes pertaining to common property lines between Precision Windshield and the old "Brass Comb" Building.
- The City Council approved an ordinance restricting commercial and/or institutional parking along certain residential frontages in Farmington City.

#### **ADJOURNMENT**

**Sid Young moved** to adjourn at 8:45 P.M.

Kent Forsgren, Chairman
Farmington City Planning Commission